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UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS REGULAR MEETING

Wednesday  
January 7, 1987  
9:30 A.M.

939 Ellis Street  
San Francisco,  
California

M I N U T E S

BOARD MEMBERS PRESENT:

Frank H. Ogawa, Chairperson, Albert  
Aramburu, Harry G. Britt, Edward R.  
Campbell, Shirley J. Campbell, Paul  
L. Cooper, Osby Davis, Rod Diridon,  
Ralph P. Doetsch, Sr., Roberta H.  
Hughan, Sunne Wright McPeak, Harold  
I. Moskowitz, Gus J. Nicolopoulos, Don  
Perata, Helen B. Rudee, Carol Ruth  
Silver, Susanne Wilson.

BOARD MEMBERS ABSENT:

None.

ADVISORY COUNCIL MEMBERS  
PRESENT:

Stana D. Hearne, Jack C. Oppenheimer,  
Daniel V. Phelan.

STAFF MEMBERS PRESENT:

Milton Feldstein, Thomas F. Bell,  
Hulan F. Brinkley, Jim Guthrie, Peter  
Hess, Dario Levaggi, Edward W.  
McHugh, John F. Powell, Lewis H.  
Robinson, John A. Swanson, Carol  
Bradley.

- - -

Chairperson Ogawa called the meeting to order at 9:35 A.M., and announced that a photographer was present to take pictures of the Board, and that he would call a recess for this purpose when all the Board members arrived.



## INTRODUCTION OF ADVISORY COUNCIL MEMBERS

Ms. Bradley introduced Daniel V. Phelan of the Advisory Council.

## PUBLIC PRESENTATION

There was none.

## APPROVAL OF MINUTES OF DECEMBER 17, 1986

## DIVISION MONTHLY REPORTS

The following reports for the periods covered were presented:

<u>Division</u>	<u>Report Period</u>
Enforcement	November 16 - December 15, 1986
Legal	November 25 - December 31, 1986
Permit Services	November 16 - December 15, 1986
Planning	November 19 - December 23, 1986
Public Information	November 24 - December 30, 1986
Technical Services	November 16 - December 15, 1986

## COMMUNICATIONS

Ralph P. Doetsch, Secretary

The following communications were presented:

(12/15/86)  
Assemblywoman K. Jacqueline Speier  
Assembly California Legislature  
Sacramento, California

expressing gratitude for the farewell luncheon held in her honor on November 5, 1986. (12/17/86)

(12/16/86)  
Tom Dorn  
Project Coordinator  
Harvey Rose Accountancy Corporation  
San Francisco, California

responding to District progress report memorandum on the classification, salary and pay equity study project being performed by the Harvey Rose Accountancy Corporation. (12/18/86)

(12/19/86)  
James Robinson  
City Manager  
City of San Ramon  
San Ramon, California

presenting notice of continuance of public hearing regarding the adoption of the San Ramon Redevelopment Agency Plan from December 29, 1986 to a future, although as yet unspecified, time.  
(12/24/86)



(11/25/86)  
Gail Woolley  
Chairperson  
Land Use Committee  
Santa Clara County Intergovernmental Council  
Santa Clara, California

presenting the Intergovernmental Council's review of the status of air quality elements adopted in general plans, and joining the BAAQMD in urging jurisdictions to adopt elements or policies, or to strengthen existing ones. (12/29/86)

(12/23/87)  
Roberta H. Hughan  
Chairperson  
Intergovernmental Council Land Use Committee  
County of Santa Clara, California

indicating the Santa Clara County Intergovernmental Council Land Use Committee has reviewed the matter of, and supports, the adoption of air quality elements in city and county general plans, and expressing appreciation to BAAQMD staff for its presentation regarding same. (1/2/87)

(1/5/87)  
David S. Cooper  
Maxwell, Allen, Cooper & Manwell  
A Professional Corporation  
Santa Rosa, California

submitting a written statement of the views of Redwood Reliance (Cotati, California) regarding the proposed revisions to Regulation 8, Rule 19. (1/6/87)

NOTICE OF INTENT TO AMEND THE ADMINISTRATIVE CODE AND ADOPT  
ORDINANCE REGARDING ANNUAL PER DIEM ALLOWANCE FOR BOARD MEMBERS

The APCO's report entitled, Notice of Intent to Amend Section 1.1 of the Administrative Code Regarding Board Compensation, dated December 23, 1986, was presented.

REALLOCATION OF CAPITAL EXPENDITURE FUNDS

The APCO's report entitled, Reallocation of Capital Expenditure Funds, dated December 23, 1986, was presented.

Adopted Resolution No. 1706, In the Matter of the Reallocation of Capital Expenditure Funds.

AMENDMENT TO ADMINISTRATIVE CODE  
REGARDING PROCEDURES FOR REGULATION ADOPTION

The APCO's report entitled, Amendment to Administrative Code Regarding Procedures for Regulation Adoption, December 23, 1986, was presented.



Director Davis stated he would approve the Administrative Code amendment; but that certain portions of the language in Section 18.5 were unclear. Mr. Powell stated he would meet with Director Davis to answer his questions.

Adopted Resolution No. 1707, In the Matter of Amending the Administrative Code.

#### REFUND

The APCO's report entitled, Refund, dated December 23, 1986, was presented.

Director Doetsch moved adoption of the above Consent Calendar Items; seconded by Director Nicolopulos; carried on roll call:

AYES: E. Campbell, S. Campbell, Davis, Diridon, Doetsch, Hughan, Moskowitz, Nicolopulos, Ogawa, Rudee, Wilson.

NOES: None.

ABSENT: Aramburu, Britt, Cooper, McPeak, Perata, Silver.

#### REPORT OF PERSONNEL COMMITTEE

Paul L. Cooper, Chairperson

Chairperson Ogawa stated Director Cooper had notified him he would be late, and that the report would be deferred until later in the meeting.

PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 14, REGARDING SURFACE COATING OF LARGE APPLIANCES AND METAL FURNITURE (POSTPONED FROM DECEMBER 17, 1986)

PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 19, REGARDING SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS (POSTPONED FROM DECEMBER 17, 1986)

PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 8, RULE 31, REGARDING SURFACE COATING OF PLASTIC PARTS AND PRODUCTS (POSTPONED FROM DECEMBER 17, 1986)

PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATION 2, RULE 1, SECTION 401 REGARDING REQUIREMENT FOR PERMIT TO OPERATE (POSTPONED FROM DECEMBER 17, 1986)

Chairperson Ogawa opened the public hearing at 9:41 A.M., and Mr. Powell presented the Clerk with 9 Affidavits of Notice of Public Hearing.

Director Britt arrived at 9:41 A.M.



Mr. Guthrie presented the APCO's report entitled, Public Hearings to Consider Amendments to Regulation 8, Rule 14, Surface of Coating of Large Appliances and Metal Furniture; Regulation 8, Rule 19, Surface Coating Miscellaneous Metal Parts and Products; Regulation 8, Rule 31, Surface Coating of Plastic Parts and Products, and Public Hearing to Consider Amendments to Regulation 2, Rule 1, Section 401, Regarding Requirements for Permits to Operate, dated December 22, 1986, stating the proposed surface coating amendments would limit the emission of volatile organic compounds (VOC's) from surface coating operations, specifically (1) large appliances and metal furniture; (2) miscellaneous metal parts and products; and (3) plastic parts and products; and that the amendments to Regulation 2, Rule 1, Section 401 (1) would expand the District's authority by requiring facilities using more than 20 gallons of coatings per year, and (2) specific preparation and cleaning equipment, to obtain a permit to operate.

Mr. Guthrie stated the amendments to Regulation 8, Rules 14, 19 and 31 were designed to standardize the requirements of the rules; that the Regulation 2, Rule 1, Section 401 amendments would aid in the enforcement of current coating regulations by having all of the subject sources in the District's computer file; that the October 29, 1986 workshop had been well attended; though the amendments would not have a significant impact on air quality, they were in keeping with the District's goals to reduce VOC emissions, and were not a relaxation of existing standards. Mr. Guthrie pointed out that many existing and proposed exemptions had April 1, 1987 expiration dates, and those exemptions could be replaced with VOC limits; adding that because additional review was required, further proposals would be made to the Board before April 1, 1987.

Directors Aramburu and Perata arrived at 9:44 A.M.

Mr. Guthrie presented the Summary of Amendments, reviewing each rule change, stating the proposed amendments were the result of a technology review which began in early 1986 and consisted of numerous meetings with State, Federal and local air pollution agencies, as well as representatives from all segments of the coating industry.

Directors Cooper and McPeak arrived at 9:49 A.M.

The Board raised questions regarding the current exemption and expiration dates for specialty coatings, the extension of exemptions on a case-by-case basis, and the conduction of workshops regarding rule changes that expanded the District's authority to require permits to operate; and Director Davis requested staff present a report to the Board prior to the April 1, 1987 expiration date in order that the recommendations could be reviewed carefully.

Director Silver arrived at 9:54 A.M.



SPEAKER PRESENTATIONS:

James M. Marks  
Market Development Manager  
Electronic Chemicals Department  
the BFGoodrich Company  
Akron, Ohio

requesting the Board approve the amendment to Regulation 8, Rule 31, Regarding Surface Coatings of Plastic Parts and Products; that limitation of the VOC content of coatings applied to plastic parts to 2.8 lbs./gal. was a reasonably available and proven control option that required little or no capital investment, and was essential if progress toward attainment of the ozone standard was to be made.

David S. Cooper  
Maxwell, Allen, Cooper & Manwell  
A Professional Corporation  
Santa Rosa, California  
Representing Redwood Reliance Company

stating Redwood Reliance was a manufacturer of dumptruck bodies, and dump trailers, used with Class VIII vehicles, was requesting the Board delay the compliance date set forth in Regulation 8, Rule 19, Section 301.2 and made effective by Regulation 8, Rule 19, Section 309, because (1) there was presently no known complying paint on the market which would produce a finished coat of a quality which would enable Reliance to match its product with the product of truck chassis manufacturers, and (2) Reliance had not had time to fully search the market for complying paints or to experiment with known complying paints; that a variance application had been submitted to the Bay Area Air Quality Management District Hearing Board, but that if the Board approved the extension, a hearing would not be necessary.

Director Rudee stated Redwood Reliance was using the best paint technology; that their problem was only with dark colors; and she would be in favor of extending the exemption for one year. Director Moskowitz stated he, too, would be in favor of an extension.

The Board discussed the problems of setting a precedent by extending an exemption date for one manufacturer, the development of paint technology to produce complying finishes, and the procedure for receiving additional time being to apply for a variance from the Hearing Board.

Director Silver questioned whether staff would be willing to support Redwood Reliance before the Hearing Board, to which Mr. Feldstein stated staff would support a request for time to develop their spraying procedures.



Daniel V. Phelan  
BALIA

questioning the number of facilities that would be affected by the proposed amendment to Regulation 2, Rule 1, Section 401; and the type of response received at the October 29, 1986 workshop since the regulation discussion was added on at the last minute.

Mr. Hess stated the affected facilities had been contacted by District inspectors; that the purpose of the amendments to Sections 401.6 and 401.7 was to bring those sources into the permit system; and that 50 people had attended the workshop.

Director Diridon stated the affected small businesses should already be conforming, and that the only difference is that they would now have to have a permit; Director Hughan stated the rule applied to businesses which were in operation prior to 1972.

Director Diridon moved that the public hearing be closed at 10:36 A.M.; seconded by Director Silver; carried.

Mr. Powell stated that according to Section 18.6 of the Administrative Code, the Board must make a finding of necessity, authority, clarity and simplicity based upon relevant information presented at the hearing before adopting, amending or repealing the regulation or rule, and that such findings have been presented by staff.

After discussion, Director Rudee moved to delay the effective date of Regulation 8, Rule 19 for one year to enable the development of paint technology for use by Redwood Reliance; seconded by Director Moskowitz; and upon roll call, the motion FAILED:

AYES: Davis, Moskowitz, Rudee.

NOES: Aramburu, Britt, E. Campbell, S. Campbell, Cooper, Diridon, Doetsch, Hughan, McPeak, Nicolopoulos, Ogawa, Perata, Silver, Wilson.

ABSENT: None.

After discussion regarding the merits of variance procedures to the Hearing Board, the appeal process if requests are denied, and the need for strict surface coating regulations, Director Diridon moved adoption of the following resolutions:

Resolution No. 1708, In the Matter of Amending Rule 4 of Regulation 8 Relating to the Surface Coating of Large Appliances and Metal Furniture, Regulation No. 1709, In the Matter of Amending Rule 19 of Regulation 8 Relating to the Surface Coating of Miscellaneous Metal Parts and Products, Regulation No. 1710, In the Matter of Amending Rule 31 of Regulation 8 Relating to the Surface Coating of Plastic Parts and Products, and Regulation No. 1711, In the Matter of Amending Rule 1 of Regulation 2 Relating to Permits; seconded by Director Aramburu; carried on roll call:



AYES: Aramburu, Britt, E. Campbell, S. Campbell, Cooper, Davis, Diridon, Doetsch, Hughan, McPeak, Moskowitz, Nicolopoulos, Ogawa, Perata, Rudee, Silver, Wilson.

NOES: None.

ABSENT: None.

Chairperson Ogawa recessed the Board meeting at 10:49 A.M. and reconvened at 10:58 A.M.

REPORT OF PERSONNEL COMMITTEE  
Paul L. Cooper, Chairperson

Chairperson Cooper stated the Committee had met December 17, 1986 to consider the reappointment of 10 Advisory Council members, and to hear a report from staff on the status of the District's salary survey study.

Chairperson Cooper stated all 10 members of the Advisory Council had requested reappointment; that Mr. Jack C. Oppenheimer had served for 13 years and was affected by the 12-year term limitation policy; that the Committee had determined the Advisory Council had a need for his skills; and was recommending the reappointment of the following Advisory Council members for a two-year term ending December 31, 1988: Michael R. Barr, Community; William Coss, Organized Labor; William Fisk, Registered Professional Engineer; Norman L. Grib, PhD, Transportation; Stana D. Hearne, Private Organization Active in Conservation; Robert L. Holtzer, MD, Public Health Agency; Ladell Montgomery, Parks & Recreation; Robert E. Nisbet, Mass Public Transportation; Jack C. Oppenheimer, Private Organization Active in Conservation; Hiram Wolch, PhD, Private Organization Active in Conservation.

Chairperson Cooper stated the Committee had also determined that some members had less than 60% attendance rate and requested the Chairperson of the Board direct a letter to any member of the Advisory Council whose attendance fell below 60% percent, reminding such member of his/her commitment to the Council; and moved the Board adopt Resolution No. 1712, In the Matter of Reappointing Members of the Advisory Council; seconded by Director Britt; carried.

Chairperson Cooper stated staff had reported that they were working with the consultant in the salary survey/pay equity study, and that the consultants were not ready to present their proposal at the present time; and that once the process was completed, the Committee would call a meeting to receive (1) factor analysis weight information from the consultant, (2) a staff critique, and (3) the Employee Association representative views.



REPORT OF AIR POLLUTION CONTROL OFFICER  
Milton Feldstein

Legislative Changes in the Brown Act

Mr. Powell reviewed his report entitled, Amendments to the Brown Act, dated December 19, 1986, stating the amendment required the agency to post in a location that is freely accessible to members of the public, at least 72 hours before a regular meeting, an agenda containing a brief description of each item of business to be transacted or discussed at the meeting; that no action should be taken on any item not appearing on the posted agenda; that agendas for regular meetings should provide an opportunity for members of the public to address the body on items of interest to the public that are within the subject matter jurisdiction of the body; and that the body could adopt reasonable regulations which may include limitations on the amount of time allocated for public testimony.

Mr. Powell further stated that call and notice for a special meeting should be posted at least 24 hours prior to the special meeting in a location that was freely accessible to members of the public; that any interested person could commence a legal action to invalidate any action taken by an agency in violation of the Brown Act; and that prior to commencing such legal action the interested person must first make a demand to the agency to cure or correct the action alleged to have been taken in violation of the Brown Act.

After discussion regarding the Board's authority to act on off-agenda items, Director S. Campbell questioned the posting of agendas in locations that were freely accessible, suggesting the agenda be mailed to county offices; and Chairperson Ogawa directed staff to review and make a recommendation regarding the posting of agendas at county buildings.

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Mr. Feldstein announced that the Director of Enforcement, Hulan F. Brinkley, was celebrating his 30th Anniversary with the District, and that he had started working at the District on January 7, 1957.

CHAIRPERSON'S REPORT  
Frank H. Ogawa

Chairperson Ogawa acknowledged the following Directors for being appointed Presidents of their Boards of Supervisors: Edward Campbell, County of Alameda; Osby Davis, County of Solano; and Sunne Wright McPeak, County of Contra Costa.

Chairperson Ogawa announced that Kaiser Engineers, Oakland, California, had built a \$6.6 million cogeneration facility at the Merritt/Peralta Hospital in Oakland, and the Board was invited to the opening on January 21, 1987; and directed the Clerk to poll the Board members regarding attendance at the opening.



BOARD MEMBERS' COMMENTS

Director Silver stated the occurrence of the fatal head-on collision on the Golden Gate Bridge, Tuesday, January 6, 1987, substantiated the need for a median barrier on the bridge, and requested the Board support for a barrier on the Golden Gate Bridge on an experimental basis.

Director Hughan announced the meeting of the Board's Legislative Committee to be held at 9:30 A.M., Wednesday, January 14, 1987.

OTHER

There was none.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, January 21, 1987, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 11:23 A.M.

Respectfully submitted,

Carol Bradley  
Clerk of the Boards







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UNIVERSITY OF CALIFORNIA

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
939 Ellis Street  
San Francisco, California 94109  
771-6000

BOARD OF DIRECTORS REGULAR MEETING

Wednesday  
January 21, 1987  
9:30 A.M.

939 Ellis Street  
San Francisco,  
California

M I N U T E S

BOARD MEMBERS PRESENT:

Frank H. Ogawa, Chairperson,  
Albert Aramburu, Harry G. Britt,  
Edward R. Campbell, Shirley J.  
Campbell, Paul L. Cooper, Osby  
Davis, Rod Diridon, Ralph P.  
Doetsch, Sr., Jim Gonzalez,  
Robertta H. Hughan, Sunne Wright  
McPeak, Harold I. Moskowitz, Gus  
J. Nicolopoulos, Don Perata,  
Susanne Wilson.

BOARD MEMBERS ABSENT:

Tom Huening, Helen B. Rudee.

ADVISORY COUNCIL MEMBERS  
PRESENT:

Kathryn Smick, M.D., Chairperson,  
Jack C. Oppenheimer, Daniel V.  
Phelan, Hanwant B. Singh, PhD.

STAFF MEMBERS PRESENT:

Milton Feldstein, Thomas F. Bell,  
Hulan F. Brinkley, Peter Hess,  
Dario Levaggi, Edward W. McHugh,  
John F. Powell, Lewis H. Robinson,  
John A. Swanson, Carol Bradley.



Chairperson Ogawa called the meeting to order at 9:33 A.M., and announced that two new members had been appointed to the Board to replace former Board members K. Jacqueline Speier and Carol Ruth Silver; that Supervisor Tom Huening, San Mateo County, would not be in attendance at this morning's meeting, and that Supervisor Jim Gonzalez, City and County of San Francisco, would be arriving shortly and would be formally introduced to the Board at that time.

#### INTRODUCTION OF ADVISORY COUNCIL MEMBERS

Ms. Bradley introduced Kathryn Smick, M.D., Chairperson and Hanwant B. Singh, PhD, of the Advisory Council.

#### PUBLIC PRESENTATION

There was none.

#### APPROVAL OF MINUTES OF JANUARY 7, 1987

#### COMMUNICATIONS

Ralph P. Doetsch, Secretary

The following communications were presented:

(1/6/87)  
Valentin Alexeff  
Executive Director  
Community Development Agency  
of the City of Danville  
Danville, California

enclosing information regarding the proposed City of Clayton  
Redevelopment Project Area. (1/8/87)

(1/6/87)  
General Plan Task Force  
City of Danville  
Danville, California

enclosing "2005 General Plan and Environmental Impact Report."  
(1/8/87)

(1/8/87)  
Tom Torlakson, Chairman  
Contra Costa Transportation Advisory Committee  
Martinez, California

enclosing Contra Costa Transportation Advisory Committee's model  
Transportation System Management ordinance.



Deborah Rudy  
Modern Transit Society  
San Jose, California

expressing appreciation to District Boardmember Carol Ruth Silver for her presentation on October 23, 1986 to the Modern Transit Society regarding the establishment of air quality elements in city and county general plans, and requesting the assistance of BAAQMD District staff in the writing of same.

(1/12/87)  
Mabel Harder  
Suisun City, California

regarding the effectiveness of District auditing procedures in terms of preventing and discovering theft. (1/13/87)

Tom Powers  
Chairman  
Contra Costa Transportation Advisory Committee  
Contra Costa County Board of Supervisors  
Martinez, California

enclosing a copy of the model Transportation System Management Ordinance developed by the Contra Costa Transportation Advisory Committee and encouraging BAAQMD Board of Directors endorsement of same.

#### APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, Approval for Out-of-State Travel, dated January 14, 1987, was presented.

#### AMENDMENT TO ADMINISTRATIVE CODE REGARDING ANNUAL PER DIEM ALLOWANCE FOR BOARD MEMBERS AND ADOPTION OF COMPENSATION ORDINANCE

The APCO's report entitled, Amendment to Administrative Code and Adoption of Ordinance Regarding Board Compensation, dated January 14, 1987, was presented.

Adopted Resolution No. 1713, In the Matter of Amending the Administrative Code.

#### REFUNDS

The APCO's report entitled, Refunds, dated January 14, 1987, was presented.

Adopted Resolution No. 1714, In the Matter of Approving a Refund for Overpayment.

#### TRANSFER OF FUNDS

The APCO's report entitled, Transfer of Funds, dated January 14, 1987, was presented.



Adopted Resolution No. 1715, In the Matter of Approving Transfers of Funds from the Reserve for Contingencies and a Transfer of Funds Between Accounts.

SET PUBLIC HEARING FOR MARCH 4, 1987  
TO CONSIDER AMENDING REGULATION 3, SCHEDULE B:  
REGARDING FEES FOR WASTE-TO-ENERGY FACILITIES

The APCO's report entitled, Setting of Public Hearing for Regulation 3, Schedule B - Conflict of Interest Statement, undated, was presented.

Director Doetsch moved adoption of the above Consent Calendar items; seconded by Director Moskowite:

AYES: Britt, E. Campbell, S. Campbell, Cooper, Davis, Diridon, Doetsch, Moskowite, Nicolopoulos, Perata, Ogawa, Wilson.

NOES: None.

ABSENT: Aramburu, Gonzalez, Huening, Hugan, McPeak, Rudee.

REPORT OF LEGISLATIVE COMMITTEE  
Roberta H. Hugan, Chairperson

Because Director Hugan had not yet arrived, Chairperson Ogawa directed this item would be deferred until later in the meeting.

QUARTERLY REPORT OF HEARING BOARD  
Henry J. Ongerth

Mr. Ongerth presented the Hearing Board report entitled, Hearing Board Quarterly Report - October-December 1986, stating he would address two matters: (1) the Kaiser Cement appeal, and (2) the increasing number of requests for variances.

Mr. Ongerth reviewed the Kaiser Cement Company appeal of an issuance of an Authority to Construct to the Lone Star Cement Company for the revision of a cement unloading facility at the Port of Redwood City; that the case was highly technical, taking 17 days of hearings at which nine expert witnesses testified; that several hundred pages of exhibits were presented and the parties presented over 200 pages of briefs; that the Hearing Board had found the APCO committed no error in finding that the proposed modification was not subject to the BACT requirement; but that the Hearing Board did find that the APCO had erred in applying emissions data from a vertical screw unloader as the basis to construct a continuous bucket unloader. Mr. Ongerth stated that late in the case Lone Star had requested the Hearing Board modify the Authority to Construct to permit construction of a vertical screw unloader, and that the Hearing Board had



scheduled two additional hearings to receive evidence to aid it in issuing an order modifying the original Authority to Construct.

Mr. Ongerth stated the Hearing Board calendar was full through the third Thursday in March 1987, and hearings were now being scheduled on Tuesdays to hear the escalating number of requests for variances.

Director Aramburu arrived at 9:39 A.M.

REPORT OF ADVISORY COUNCIL  
Kathryn Smick, M.D., Chairperson

Dr. Smick presented her report entitled, Advisory Council Report, dated January 21, 1987, stating the Advisory Council had met January 14, 1987; that in addition to conducting routine business, it had accepted reports from the Air Quality Planning and Technical Committees, which responded to two Board referrals regarding (1) the need for an aggressive public information program and the appropriateness of soliciting funds, and (2) certain aspects of the Districts Air Toxics Program; that both reports were included in the Board agenda packets; and that Dr. Hanwant B. Singh, Chairperson of the Technical Committee, was present to answer any questions.

Director Hughan arrived at 9:41 A.M.

Dr. Singh referred to the Advisory Council Technical Committee report entitled, Advisory Council Response to the Board Referral on Toxic Chemical Emissions Inventory and Control Technology, undated, stating the Committee had recommended the District's emissions inventory that was currently being generated be updated annually, and that every three years a major effort be undertaken to regenerate the inventory to account for the dynamic nature of the industrial base.

Director Diridon requested Chairperson Ogawa direct the Advisory Council to look at the potential for developing a continuing inventory, based on the HAZMAT Ordinance that was being developed by many Bay Area cities, with a mechanism for statusing such inventory periodically; suggesting the Technical Committee might also want to review the desire to encourage local fire departments to gather information on a standardized format so it could be inputted without reformatting the standardized regional inventory; that the technique would reduce efforts in maintaining and updating the regional inventory and would allow everyone to gain access to, and understand, the regional inventory.

Director McPeak arrived at 9:42 A.M.



Mr. Feldstein commented that staff was, at the direction of the Board, looking at an inventory of continuous emissions of toxics and what controls may be necessary at a later date; that Director Diridon was interested in looking at hazardous materials that were stored and used in the manufacturing process; and that such emissions may not become airborne except by accident, and were considered to be episodic releases.

Director Gonzalez arrived at 9:44 A.M.

After discussion, Director Diridon stated both types of emissions inventories needed to be conducted; and Chairperson Ogawa directed the Advisory Council provide a report to the Board on the feasibility of conducting the episodic release inventory. Director Diridon stated the ultimate objective of the report would be to access, on a research or emergency basis, the database to determine, if an episode occurred, whether airborne toxics could be detrimental locally or regionally; and secondly, to be able to identify where significant or dangerous volumes of toxics were being stored and used in the Bay Area, in order to discourage the storage and use of potentially airborne toxics by encouraging use of an alternate non-dangerous chemical or discontinuing the activity that necessitated the use of a dangerous chemical. Mr. Feldstein stated staff would assist the Advisory Council in obtaining data for preparation of the report.

Noting the arrival of newly-appointed Boardmember Jim Gonzalez, Chairperson Ogawa requested Director Britt introduce him; and upon completion of the introduction and welcome, Director Gonzalez was sworn in.

As an addendum to the Advisory Council report, Chairperson Ogawa permitted Dr. Alvin Greenberg, Chairperson of the Advisory Council Waste Utilization Committee, to make a brief presentation on dioxins from municipal waste incinerators.

Distributing a handout entitled, The Contribution of Garbage Incineration to Environmental and Human Dioxin Levels, dated October 30 and 31, 1986, and using overhead slides, Dr. Greenberg reviewed studies that had been conducted on municipal solid wastes and dioxins, concluding that continued research was needed to further clarify and identify the background levels of dioxins and furans and what contribution each particular source made toward the levels.

Director Diridon extended an invitation to Dr. Greenberg to attend the January 28, 1987 meeting of the Ad Hoc Committee on Resource Recovery Facilities.



REPORT OF LEGISLATIVE COMMITTEE  
Roberta H. Hughan, Chairperson

Director Hughan stated the Legislative Committee had met January 14, 1987 to review staff recommendations on (1) seeking amendments to SB-52 (Torres), (2) seeking legislation to assess fees for time spent reviewing monitoring and sampling plans for facilities not subject to District permits, (3) introduction of legislation to amend the time to pursue civil penalty for violation of State or District air pollution rules, and (4) introduction of legislation to clarify the District's authority on complaints concerning fumes from idling buses and trucks and their impact on residential neighborhoods; and that the Committee was recommending the Board support staff recommendation.

Mr. Feldstein distributed copies of SB-151 (Presley), which proposed to change the composition of the South Coast Air Quality Management District Board of Directors; stating Senator Sterling (San Diego) was proposing to introduce similar legislation for the San Diego Air Quality Management District; and that because several northern California legislators had sponsored SB-151, the Board should follow the bill closely, even though the Bay Area Air Quality Management District faced different problems than the South Coast Air Quality Management District.

Director Aramburu stated he had recently attended a meeting of the Negotiated Rulemaking Committee in Los Angeles, and that it was the feeling of some South Coast administrators that the major problem in the South Coast was the divisive nature of the Board; and that the split rendered it ineffective on some issues.

There was discussion regarding the process used to initiate proposals such as SB-151 (Presley); the impact on the District; and measures the Board could take to discourage any such proposals for the District; and Director Aramburu suggested the Board make an inquiry of environmental groups' interest in aligning with the District to map out a strategy; and that the feedback be provided to the Legislative Committee for review and recommendation. Chairperson Ogawa so ordered.

AIR POLLUTION TOPIC - AIR QUALITY STATUS

Referring to his handout entitled, Bay Area Air Quality Management District "State of the Union" Air Quality Status, dated 1986, and using overhead slides, Mr. Levaggi reviewed the attainment status of lead quarterly averages (San Jose); sulfur dioxide concentrations; total suspended particulates (annual geometric mean and days exceeding 100 and 150 UGM/M<sup>3</sup> 24 hour average); nitrogen dioxide annual averages versus Federal standard; carbon monoxide, ozone formation and the ozone experience (1965-1986); concluding by stating the I&M Program would be a major benefit in the area, and that well over 50% of



all states had not attained the ambient air standard.

Director Perata departed at 10:26 A.M.

After considerable discussion, Director Diridon requested that prior to December 1987 the Board be informed of the status of attainment and what steps should be taken to achieve the ozone standard by the end of 1987.

REPORT OF AIR POLLUTION CONTROL OFFICER  
Milton Feldstein

Report on Contra Costa County  
Proposed Transportation System Management Plan

Mr. Feldstein presented his report entitled, Contra Costa County Model Transportation Systems Management Ordinance, dated January 14, 1987, stating Supervisor Tom Torlakson of Contra Costa County had requested the District Board endorse the Model Transportation Systems Management Ordinance developed by the Contra Costa County Transportation Advisory Committee; that the ordinance was in harmony with the objectives of the air quality element proposed for inclusion in city and county general plans and could be considered as an implementation mechanism for the air quality element; and that staff was recommending that because of its air quality and related benefits, the Board record its support by adopting the attached resolution of endorsement and urge the TSM ordinance be adopted and implemented by all cities and counties in the District.

Director Diridon moved adoption of Resolution No. 1716, In the Matter of Endorsing a Model Transportation System Ordinance; seconded by Director Aramburu; carried on roll call:

AYES: Aramburu, Britt, E. Campbell, S. Campbell, Cooper, Davis, Diridon, Doetsch, Gonzalez, Hughan, McPeak, Moskowitz, Nicolopoulos, Ogawa, Wilson.

NOES: None.

ABSENT: Huening, Perata, Rudee.

Director McPeak thanked the staff for its enthusiastic action urging endorsement of the TSM, and offered background on the development of the Ordinance, stating it was based on across-the-board Single-Occupancy Vehicle reduction, and not simply concentrating on peak-hour shifts like the City of Pleasanton's TSM Ordinance; that it was directed at transportation and air quality; and that a communication should be sent to MTC and the Bay Area Council noting the Board's action and requesting their assistance in promoting the Ordinance.



Director Wilson stated the Ordinance should also be forwarded to information distribution bodies like the Intergovernmental Council in Santa Clara County; Director Hugan added the Mayors' Councils, and Chairperson Ogawa stated the Supervisors, Mayors and Councilmembers on the Board should encourage their respective bodies to endorse the Ordinance.

Mr. Feldstein stated staff would implement the same process used in requesting all cities and counties to consider the air quality element for inclusion in general plans, contacting all cities and counties, Intergovernmental, Mayors' and Coordinating Councils.

Director McPeak stated the Advisory Council had also been reviewing the TSM Ordinance, and requested it be directed to assist in implementing the publicizing the Ordinance. Chairperson Ogawa so ordered.

Director Aramburu stated the Board should dramatize the results of non-attainment by implementing an in-house public information program which would make the public aware of the need to enforce air quality standards; and that he would volunteer to work with the Advisory Council to provide the Board with an implementation measure.

#### CHAIRPERSON'S REPORT

Frank H. Ogawa

Chairperson Ogawa:

- reminded the Board of Directors they were invited to attend the Merritt/Peralta Co-Generation Dedication Ceremonies which would begin at 11:00 A.M. this morning in Oakland, California.
- stated the Clerk of the Board's performance evaluation had been commendable and offered his congratulations.
- stated a Special Meeting of the Board would be held at 12:00 noon, February 6, 1987, at Harris' Restaurant; that San Francisco Mayor Dianne Feinstein, and former Board members, who were now Legislators, had been invited; and that more details would be provided at the February 4, 1987 regular meeting of the Board, by which time the Directors should have indicated their intentions to attend.
- proposed a letter of commendation be prepared for former Board member Carol Ruth Silver regarding her term as Chairperson and as a Director.
- acknowledged the appointments of Supervisors Jim Gonzalez and Tom Huening.



-- cancelled the January 28, 1987 meeting of the Board of Directors Executive Committee.

BOARD MEMBERS' COMMENTS

Distributing her report entitled, Bay Area Cancer Prevention Summit Meeting, addressed to the Contra Costa County Board of Supervisors and introduced January 13, 1987 for action on January 20, 1987, Director McPeak stated that when Contra Costa County adopted its Air Toxics Emissions Inventory Control Program, they endorsed the concept of a prospective epidemiological cancer study to correlate with cancer information; that recent reports indicate the cancer rate has risen in Contra Costa, San Francisco, Marin and Alameda Counties and that Contra Costa no longer had the highest cancer rates in the Bay Area, and that the Contra Costa County Board of Supervisors was requesting all Bay Area Counties to co-sponsor a cancer prevention summit meeting to initiate a prevention strategy and prepare a long-term study of the incidence of cancer; and that when the communication was received by each Boardmember's policymaking body, that those who were not chairpersons of such bodies, should as representatives of the Bay Area Air Quality Management District, encourage the chair to seek endorsement of this program.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, February 4, 1987, 939 Ellis Street, San Francisco, California.

The meeting adjourned at 11:10 A.M.

Respectfully submitted,

Carol Bradley  
Clerk of the Boards







**BAY AREA**  
**AIR QUALITY MANAGEMENT DISTRICT**  
939 ELLIS STREET  
SAN FRANCISCO, CA 94109

Jack Leister  
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FEB 20 1987

BOARD OF DIRECTORS SPECIAL MEETING

UNIVERSITY OF CALIFORNIA

Friday  
February 6, 1987  
12:00 Noon

Harris' Restaurant  
San Francisco,  
California

M I N U T E S

BOARD MEMBERS PRESENT:

Frank H. Ogawa, Chairperson,  
Albert Aramburu, Edward R.  
Campbell, Shirley J. Campbell,  
Jim Gonzalez, Roberta H. Hughan,  
Harold I. Moskowitz, Gus J.  
Nicolopoulos, Helen B. Rudee.

BOARD MEMBERS ABSENT:

Harry G. Britt, Paul L. Cooper,  
Osby Davis, Rod Diridon, Ralph  
P. Doetsch, Sr., Sunne Wright  
McPeak, Don Perata, Susanne  
Wilson.

OTHERS PRESENT:

Congresswoman Barbara Boxer,  
Senator Quentin Kopp, Senator  
Dan McCorquodale, Supervisor  
Carol Ruth Silver, Assemblywoman  
K. Jacqueline Speier.

STAFF MEMBERS PRESENT:

Milton Feldstein, Peter Hess,  
Teresa Lee, Edward W. McHugh,  
John F. Powell, Carol Bradley.

Chairperson Ogawa called the meeting to order at 12:20 P.M.

PUBLIC PRESENTATION

There was none.

DISCUSSION OF STATE AND FEDERAL ACTIVITY IN  
CLEAN AIR LEGISLATION WITH ELECTED OFFICIALS

Chairperson Ogawa introduced Congresswoman Barbara Boxer, Senator Quentin Kopp, Senator Dan McCorquodale, and Assemblywoman K. Jacqueline Speier, stating the luncheon had been arranged in order to meet with the former Board members to informally discuss current and proposed State and Federal legislation affecting the District.



Mr. Feldstein outlined the Clean Air Act requirements, stating the 1979 Air Quality Management Plan did not demonstrate attainment of carbon monoxide and ozone standards by 1982; that the 1982 Plan Update, which did predict attainment, required an I&M Program for automobiles, and implemented Reasonably Available Control Technology (RACT) designed to reduce emissions of precursors of ozone formation from stationary sources, enabled the District to receive an attainment deadline extension to December 31, 1987; and that an Air Quality Plan Update would be presented to the Board in the summer of 1987.

There was discussion regarding the I&M Program; how the legislators could be instrumental in strengthening the bill; the need to keep abreast of proposed legislation that would possibly have an adverse affect on the District; and the need for Board members to encourage their respective cities and counties to implement air quality elements and transportation systems management ordinances in their general plans.

After updating the Board on Congressional activities related to air quality management, Congresswoman Boxer stated she and the other guest legislators should return to their respective bodies and encourage the adoption of air quality control measures to aid the District in attaining the air quality standards for carbon monoxide and ozone; and that she would inform the Board of Directors of those efforts.

Chairperson Ogawa thanked the guests and Board members for attending the luncheon, stating it had been a positive and informative meeting.

#### TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, February 18, 1987, 939 Ellis Street, San Francisco, California, 94109.

Respectfully submitted,

Carol Bradley  
Clerk of the Boards

A 1531  
Feb 4, 1987

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 Ellis Street  
San Francisco, California 94109  
771-6000

BOARD OF DIRECTORS REGULAR MEETING

Wednesday  
February 4, 1987  
9:30 A.M.

939 Ellis Street  
San Francisco,  
California

M I N U T E S

BOARD MEMBERS PRESENT:

Frank H. Ogawa, Chairperson,  
Albert Aramburu, Edward R.  
Campbell, Shirley J. Campbell,  
Paul L. Cooper, Rod Diridon,  
Ralph P. Doetsch, Sr., Anna G.  
Eshoo, Jim Gonzalez, Roberta H.  
Hughan, Sunne Wright McPeak,  
Harold I. Moskowitz, Gus J.  
Nicolopoulos, Don Perata, Helen  
B. Rudee, Susanne Wilson.

BOARD MEMBERS ABSENT:

Harry G. Britt, Osby Davis.

ADVISORY COUNCIL MEMBERS  
PRESENT:

Jack C. Oppenheimer, Daniel V.  
Phelan.

STAFF MEMBERS PRESENT:

Milton Feldstein, Thomas F.  
Bell, Paul Brand, Hulan F.  
Brinkley, Peter Hess, Dario  
Levaggi, Edward W. McHugh, Tom  
Perardi, John F. Powell, Lewis  
H. Robinson, John A. Swanson,  
Carol Bradley.

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Chairperson Ogawa called the meeting to order at 9:44 A.M.; introducing and welcoming Supervisor Anna G. Eshoo to the Board as the San Mateo County replacement for Supervisor Tom Huening. Supervisor Eshoo was sworn in at this time.

Chairperson Ogawa directed that the meeting be adjourned in memory of the late Congresswoman Sala Burton.

#### INTRODUCTION OF ADVISORY COUNCIL MEMBERS

Ms. Bradley introduced Daniel V. Phelan.

#### PUBLIC PRESENTATION

There was none.

#### APPROVAL OF MINUTES OF JANUARY 21, 1987

#### COMMUNICATIONS

Ralph P. Doetsch, Secretary

The following communications were received:

(1/22/87)

Donald F. Evans  
President  
Evans Airport Service  
Napa, California

regarding the proposed changes to Regulation 8, Rule 7, stating proposed changes would have a negative impact on passenger transportation service and asking that the exemption in the Regulation be retained as presently written. (1/23/87)

(1/19/87)

Wesley McClure  
Executive Secretary  
Alameda County Mayors' Conference  
San Leandro, California

notifying the District of the Alameda County Mayors' Conference decision to continue the officership of Oakland Councilmember Frank H. Ogawa on the BAAQMD Board of Directors. (1/23/87)

(1/12/87)

Ernest J. Altenreuther  
Owner-Operator Lakeville Service Station  
Lakeville, California

letter to Supervisor Jim Harberson, County of Santa Rosa, forwarded to District Permit Division by same, from Mr. Altenreuther, stating the proposed Regulation 8, Rule 7 changes regarding service stations would have an adverse economic impact on his business. (1/23/87)

(1/26/87)  
Mr. & Mrs. Robert Jankovsky  
Owners  
BOB'S A&M MARKET  
Napa, California

protesting the proposed changes in exemptions from vapor recovery  
modifications in Regulation 8, Rule 7. (1/27/87)

(1/26/87)  
Jim Asbury  
Bell Products, Inc.  
Napa, California

protesting the proposed changes in exemptions from vapor recovery  
modifications in Regulation 8, Rule 7. (1/27/87)

(1/26/87)  
Corky Duke  
General Manager  
Wiler's Union 76  
Vallejo, California

protesting the proposed changes in exemptions from vapor recovery  
modifications in Regulation 8, Rule 7. (1/27/87)

(1/28/87)  
Gerald E. Raycraft  
Redevelopment Project Manager  
Contra Costa County Redevelopment Agency  
Martinez, California

indicating the meeting of the Fiscal Review Committee has been  
rescheduled to Wednesday, February 11, 1987, 2:00 P.M., at the San  
Ramon Valley Unified School District Education Center, Danville,  
California. (2/2/87)

#### DIVISION MONTHLY REPORTS

The following reports, covering the periods listed, were presented:

<u>DIVISION</u>	<u>REPORT PERIOD</u>
Administrative Services	October 30 and November 30, 1986
Legal Counsel	January 1-27, 1987
Enforcement Division	December 16, 1986 - January 15, 1987
Permit Services	December 16, 1986 - January 15, 1987
Planning Division	December 24, 1986 - January 20, 1987
Public Information	December 30, 1986 - January 26, 1987
Technical Services	December 16, 1986 - January 1987



#### REFUNDS

The APCO's report entitled, Refunds, dated January 28, 1987, was presented.

#### REFERRALS

The APCO's report entitled Referrals, dated January 28, 1987, was presented.

#### ASSOCIATION OF BAY AREA GOVERNMENTS CONTRACT APPROVAL

The APCO's report entitled, Association of Bay Area Governments Contract Approval, dated January 28, 1987, was presented.

Adopted Resolution No. 1717, In the Matter of Approving a Contract with the Association of Bay Area Governments.

#### APPROVAL OF OUT-OF-STATE TRAVEL

The APCO's report entitled, Approval of Out-of-State Travel, dated January 28, 1987, was presented.

Director Hughan moved adoption of the above Consent Calendar Items; seconded by Director Doetsch; carried on roll call:

AYES: Aramburu, E. Campbell, S. Campbell, Cooper, Diridon, Doetsch, Eshoo, Gonzalez, Hughan, McPeak, Moskowite, Nicolopoulos, Ogawa, Perata, Rudee, Wilson.

NOES: None.

ABSENT: Britt, Davis.

#### QUARTERLY REPORT OF ARB REPRESENTATIVE

Robert H. Hughan

Director Hughan presented her report entitled, Quarterly Report of My Activities as an ARB Member, undated, summarizing activities from October 1 through December 31, 1986; stating the ARB and Board Committee continued to review the State Implementation Plan (SIP) for Kern County, holding meetings in Bakersfield; that Kern County had failed to meet the EPA requirements and ARB had required them to institute NO<sub>x</sub> controls; that the problem was now solved and controls would be adopted.

#### AIR QUALITY MANAGEMENT PLAN UPDATE

Mr. Feldstein stated there had been two Air Quality Management Plans approved by the Board in 1979 and 1982; that the Clean Air Act required the District to implement programs to attain the air quality standards; that in order to receive a deadline extension to December 31, 1987 to attain the air quality standards for carbon monoxide and ozone, the District had to submit a plan on how it would be accomplished; the 1982 plan predicted that the District

would achieve standards by the end of 1987, by implementing the I&M Program for motor vehicles and establishing Reasonably Available Control Technology (RACT) designed to reduce emissions of precursors of ozone formation from stationary sources.

Mr. Feldstein stated staff anticipated the reductions of hydrocarbons and carbon monoxide from the I&M Program would be sufficient to enable attainment of the standards by the end of 1987; and decided to wait until the first two cycles of the biennial program were completed to see what actual reductions from motor vehicles were, in order to update the plan in the summer of 1987; that the update would contain the latest data from the I&M Program and actual emission reductions from automobiles going through the process and whatever new stationary sources regulations were needed to achieve the goal. He introduced staff to review the steps necessary to develop the 1987 plan.

Using overhead slides, Mr. Robinson explained that in order to attain the carbon monoxide and ozone standard in the Bay Area, a continuous planning process containing five steps were applied: (1) defining impacts and goals which were generally related to public health, safety or welfare concerns and that the goals were set by acts of Congress or State legislation; (2) model relationships which were designed using a range of technology specialists to relate emissions to effect; and (3) control emissions which were the results of the modeling process which enabled the Board to adopt regulations designed to reduce emissions; (4) monitor effects, and (5) feedback results were employing reasonable further progress when preparing the annual update reports provided to the EPA regarding the process implementation.

Mr. Robinson stated EPA had designated National Ambient Air Quality Standards (NAAQS) for five criteria pollutants, ozone, carbon monoxide, sulfur dioxide, nitrogen dioxide, and total suspended particulates; that primary NAAQS are set levels to protect public health and secondary NAAQS are set levels to protect public welfare from any known or anticipated adverse effects; that NAAQS problems varied statewide, and the Bay Area exceeded NAAQS for ozone and carbon monoxide; that the public health concerns regarding ozone were eye irritation and breathing difficulties; and that public welfare concerns included damaged or reduced yields from agricultural crops, trees and forests; that carbon monoxide public health concerns included elevated levels of CO in the bloodstream and reduced oxygen capacity of blood; and the sensitive groups included outside workers near city streets and freeways.

Mr. Robinson reviewed the National, State and Bay Area goals, stating the 1979 Bay Area Air Quality Management Plan could not demonstrate attainment of carbon monoxide and ozone by 1982 and did not include land use and indirect source controls; that the 1982 update did calculate attainment by December 31, 1987; and the present plan update was the result of elaborate ozone modeling to satisfy the Air Resource Board concerns regarding hydrocarbons and NO<sub>x</sub> control.



Mr. Perardi outlined a simple Gaussian one-source model, stating air quality models predicted ambient air concentrations from pollutant emission rates, stack characteristics, atmospheric conditions and topography; that the objective was to reduce emissions to meet air quality standards. Mr. Perardi reviewed the photochemical model, stating it was used to evaluate control measures by estimating changes in emissions which would affect ozone reduction, calculating the cost per unit, and ranking the measures by cost effectiveness; that the use of the photochemical model in the attainment strategy includes running sensitivity tests, finding the emission reduction target, adding cost effective measures to meet the target and preparing the inventory needed to confirm attainment of the standard.

Mr. Hess reviewed the 1982 control measures, stating the most effective control measures had already been adopted by the Board; that the issues of large commercial bakeries and automobile refinishing were currently being addressed by the District, and reciprocating engines, pesticides, and consumer solvents were being discussed by EPA. Mr. Hess stated staff was currently reviewing control concepts for cost-effectiveness and feasibility, reviewing state-of-the-art techniques for air pollution control for certain categories of sources; that after the list of control measures was established, the photochemical model was used to evaluate the information and the outcome helped establish air quality control measures which were workshopped and presented to the Board for inclusion in the plan.

Mr. Robinson reviewed the monitoring and feedback process in terms of reasonable further progress, stating the I&M Program was the single most effective control measure in the Bay Area.

Mr. Feldstein stated cities and counties would need to assist in the effort to achieve the standards by implementing air quality elements and transportation system management ordinances in their general plans; that the plan would be developed and presented to the Board and will hopefully show attainment by 1987. There was discussion regarding the need to strengthen the I&M bill and the fact that the State I&M Committee was currently finalizing its report to the Legislature. Director Diridon questioned whether or not the Board should encourage the creation of a Statewide lobbying association to provide advocacy; and Chairperson Ogawa directed that the five-member I&M Committee agencies be requested to provide preliminary information on its report to the Legislature and that he would provide staff with names of delegates to meet with other policymaking agencies.

Director Rudee questioned what the impact would be if the District did not meet attainment, to which Mr. Feldstein stated EPA is required to apply Clean Air Act mandates or sanctions, and that 26 states probably would not meet attainment by the statutory deadline.

REPORT OF AIR POLLUTION CONTROL OFFICER  
Milton Feldstein

Mr. Feldstein stated staff was attempting to develop a rule to control emissions from bakeries; that they were proposing to do an engineering study, allocating funds to hire a firm on February 23, 1987 to spend five days at one of the larger bakeries, and that the report would be reviewed with the bakery involved.

Mr. Feldstein stated the Air Pollution Control Association - Golden West Section, would be sponsoring an all-day conference on toxics from 9:00 A.M. - 4:00 P.M. at the Cathedral Hill Hotel on February 4, 1987.

CHAIRPERSON'S REPORT  
Frank H. Ogawa

Chairperson Ogawa stated Director Campbell and he had attended the dedication ceremonies of the cogeneration facility at Merritt-Peralta Hospital on January 21, 1987.

BOARD MEMBERS' COMMENTS

Director Cooper reminded Committee members that the Personnel Committee would meet at 9:30 A.M., Wednesday, February 11, 1987.

- - -

Director S. Campbell questioned whether the luncheon meeting to be held Friday, February 6, 1987, would in any way violate the Brown Act. Mr. Powell assured her it would not.

OTHER

There was none.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, February 18, 1987, 939 Ellis Street, San Francisco, California.

The meeting was adjourned in memory of Congresswoman Sala Burton at 11:13 A.M.

Respectfully submitted,

Carol Bradley  
Clerk of the Boards



**BAY AREA**  
**AIR QUALITY MANAGEMENT DISTRICT**  
939 ELLIS STREET  
SAN FRANCISCO, CA 94109

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MAR 9 1987

UNIVERSITY OF CALIFORNIA

BOARD OF DIRECTORS REGULAR MEETING

Wednesday  
February 18, 1987  
9:30 A.M.

939 Ellis Street  
San Francisco,  
California

M I N U T E S

BOARD MEMBERS PRESENT:

Frank H. Ogawa, Chairperson,  
Albert Aramburu, Harry G. Britt,  
Edward R. Campbell, Shirley J.  
Campbell, Paul L. Cooper, Osby  
Davis, Ralph P. Doetsch, Sr., Anna  
G. Eshoo, Jim Gonzalez, Roberta H.  
Hughan, Harold I. Moskowitz, Gus  
J. Nicolopoulos, Helen B. Rudee,  
Susanne Wilson.

BOARD MEMBERS ABSENT:

Rod Diridon, Sunne Wright McPeak,  
Don Perata.

ADVISORY COUNCIL MEMBERS  
PRESENT:

Stana D. Hearne, Daniel V. Phelan.

STAFF MEMBERS PRESENT:

Milton Feldstein, Jack R. Bean,  
Thomas F. Bell, Peter Hess, Gale  
G. Karels, Dario Levaggi, Edward  
W. McHugh, John F. Powell, Lewis  
H. Robinson, John A. Swanson,  
Carol Bradley.

- - -

Chairperson Ogawa called the meeting to order at 9:36 A.M.

INTRODUCTION OF ADVISORY COUNCIL MEMBERS

Advisory Council members had not arrived at this point.



PUBLIC PRESENTATION

There was none.

APPROVAL OF MINUTES OF FEBRUARY 4 AND 6, 1987

COMMUNICATIONS

Ralph P. Doetsch, Secretary

The following communications were presented:

(2/3/87)

Mr. & Mrs. Donald Rozenberg  
Los Altos, California

expressing concern regarding air quality in Los Altos relating to the use of woodburning stoves. (2/5/87)

(2/10/87)

Assemblyman Dominic L. Cortese  
California Legislature  
Sacramento, California

expressing regret at being unable to attend the February 6, 1987 Board of Directors luncheon at Harris' Restaurant, and extending his hope that the meeting was an enjoyable success. (2/10/87)

(2/3/87)

Walter J. Schoendorf  
Senior Vice President  
Supply Division  
Safeway Stores, Inc.  
Oakland, California

requesting a meeting to discuss development of inspection procedures for Safeway bakery ovens. (2/11/87)

(2/10/87)

Paul A. Cammer, PhD  
President  
Halogenated Solvents Industry Alliance  
Washington, D.C.

enclosing correspondence from the EPA's Science Advisory Board study on perchloroethylene which recommends reduction in carcinogenic classification of this compound. (2/13/87)

(2/3/87)

Peter Marengo  
Marengo's Exxon  
Vallejo, Ca.  
(2/9/87)

(2/4/87)

John F. Cunha  
Exxon Jobber  
Petaluma, Ca.  
(2/9/87)

(2/5/87)

George Thompson  
Sugar Loaf Park  
Lake Berryessa, Ca.  
(2/9/87)

(2/5/87)  
R. F. Sercu  
President  
Vallergas  
Napa, Ca.  
(2/9/87)

(2/7/87)  
Bill Bresciani  
Jobber, Exxon  
Napa, Ca.  
(2/9/87)

(2/5/87)  
R. L. Parker  
Commercial Sales Manager  
Redwood Oil Company  
Santa Rosa, Ca.  
(2/10/87)

(2/10/87)  
Frank Bertolli  
Bertolli's Exxon  
& Auto Service  
San Rafael, Ca.  
(2/13/87)

(2/10/87)  
Thomas M. DeWitt  
Dewitt's Exxon  
Sonoma, Ca.  
(2/13/87)

(2/12/87)  
Richard Leon  
Owner  
Old Gilroy Service Sta.  
Gilroy, Ca.  
(2/13/87)

(2/10/87)  
Steven Murphy, RN  
General Manager  
Piner's Napa  
Ambulance Service  
Napa, Ca.  
(2/17/87)

(2/10/87)  
Gary W. Piner  
Administrator  
Piner's Nursing  
Home, Inc.  
Napa, Ca.  
(2/17/87)

(2/12/87)  
Bradley Kirkpatrick  
Owner  
Pope Valley Garage  
Pope Valley, Ca.  
(2/17/87)

(2/17/87)  
Steve H. Weiler  
Steve's Exxon  
Sonoma, Ca.  
(2/17/87)

protesting the proposed changes in Regulation 8, Rule 7 regarding exemptions from vapor recovery.

#### REFUNDS

The APCO's report entitled, Refunds, dated February 11, 1987, was presented.

#### APPROVAL FOR OUT-OF-STATE TRAVEL

The APCO's report entitled, Approval for Out-of-State Travel, dated February 11, 1987, was presented.

#### APPROVAL OF CONTRACT WITH ARB TO RECEIVE FUNDS FOR I/M EQUIPMENT

The APCO's report entitled, Approval for Receipt Expense Reimbursement from California Air Resources Board, dated February 11, 1987, was presented.

Adopted Resolution No. 1718, In the Matter of Approving a Contract with the Air Resources Board Authorizing Reimbursement to the District for Certain Expenses.



## DISPOSAL OF OBSOLETE EQUIPMENT

The APCO's report entitled, Disposal of Obsolete Equipment, dated February 11, 1987, was presented.

## TRANSFER OF FUNDS

The APCO's report entitled, Transfer of Funds, dated February 11, 1987, was presented.

SET PUBLIC HEARINGS FOR APRIL 1, 1987 TO CONSIDER AMENDMENTS  
TO REGULATION 8, RULE 14, 19 AND 31 REGARDING SURFACE COATING  
OF LARGE APPLIANCES, METAL FURNITURE, MISCELLANEOUS METAL PARTS  
AND PRODUCTS AND PLASTIC PARTS AND PRODUCTS

---

The APCO's report entitled, Setting of Public Hearings - Conflict of Interest Statement on Regulation 8, Rule 14: Surface Coatings of Large Appliances and Metal Furniture; Regulation 8, Rule 19: Surface Coating of Miscellaneous Metal Parts and Products; Regulation 8, Rule 31: Surface Coating of Plastic Parts and Products, dated February 9, 1987, was presented.

Director Gonzalez arrived at 9:37 A.M.

Director Doetsch moved adoption of the above Consent Calendar items; seconded by Director Aramburu; carried on roll call:

AYES: Aramburu, E. Campbell, S. Campbell, Cooper, Davis, Doetsch, Eshoo, Gonzalez, Hugan, Moskowitz, Nicolopoulos, Rudee, Wilson.

NOES: None.

ABSENT: Britt, Diridon, McPeak, Perata.

## REPORT OF PERSONNEL COMMITTEE Paul L. Cooper, Chairperson

Director Cooper stated the Personnel Committee had met February 11, 1987 to review the status of the District's classification pay equity study; received proposals from the consultant, Harvey Rose Accountancy Corporation, as well as staff reports and the District Steering Committee comments; that after much discussion regarding the very complex issues of classification studies, comparable worth, job descriptions, pay equity and point-factor analysis; in addition to discussions regarding the direction the study was taking, it became clear that there were disagreements that needed to be resolved; and the Personnel Committee recommended appointing the Chairperson and Mrs. McPeak as a subcommittee to work with staff, the consultant and the Steering Committee to attempt to identify and solve the problems.

Director Britt arrived at 9:40 A.M.

Director Cooper stated he had indicated to the Committee he was reluctant to intervene, suggesting the first step should be for the

three parties to try to reconcile their differences; and had directed they meet within one week; and that Mr. Hess was prepared to summarize the outcome of that meeting.

Mr. Hess stated the Steering Committee, composed of management and non-management employees, and Employee Association representatives, and the consultants, met to discuss a process to identify and resolve the problems related to the study; that the focus was on three issues: (1) point-factor job evaluations; (2) job classifications, and (3) the timing involved in the completion of the review of the job classes and point-factor analyses; that a meeting timetable had been established whereby the group would exchange information, examine and address concerns, in an effort to resolve the problems by March 10, 1987.

Director Cooper recommended the Board accept his report; stating he would schedule a Personnel Committee meeting at 9:30 A.M., March 11, 1987 to review the study proposals; and that he was requesting the Board not direct the subcommittee to intervene; but to authorize it to work with the parties, if necessary, to insure the process moved along smoothly; Director Eshoo so moved; seconded by Director Gonzalez; carried on roll call:

AYES: Aramburu, Britt, E. Campbell, S. Campbell, Cooper, Davis, Doetsch, Eshoo, Gonzalez, Hughan, Moskowitz, Nicolopoulos, Ogawa, Rudee, Wilson.

NOES: None.

ABSENT: Diridon, McPeak, Perata.

Chairperson Ogawa noted the arrival of members of the Advisory Council, and Ms. Bradley introduced Mrs. Stana D. Hearne and Mr. Daniel V. Phelan.

CONTINUATION OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO  
REGULATION 8, RULE 7 REGARDING GASOLINE DISPENSING FACILITIES  
AND GASOLINE DELIVERY VEHICLES [CONTINUED FROM DECEMBER 3, 1986]  
AND CONTINUATION OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO  
REGULATION 2, RULE 1 REGARDING EXEMPTION FOR GASOLINE DISPENSING  
FACILITIES [CONTINUED FROM DECEMBER 3, 1986]

Chairperson Ogawa opened the public hearing at 9:45 A.M., and Mr. Powell presented the Clerk with nine Affidavits of Notice of Public Hearing.

Mr. Feldstein reviewed his reports entitled, Public Hearing to Consider Amendment of Regulation 8, Rule 7 - Regarding Gasoline Dispensing Facilities and Gasoline Delivery Vehicles and Continuation of Public Hearing to Consider Amendments to Regulation 2, Rule 1 Regarding Exemption for Gasoline Dispensing Facilities, both dated February 10, 1987, stating the public hearing was continued from December 3, 1986 at which the Board had raised several questions regarding the staff proposed amendments to Regulation 8, Rule 7, and had directed staff to develop alternatives to the proposed amendment; that staff's original



proposal had recommended reducing the current vapor recovery program service station exemptions of 180,000 gallons per year for retail operations, and 60,000 per year for commercial operations, to 24,000 gallons per year with a one-year compliance date ending September 1987; explaining that the proposed amendment would reduce VOC emissions by 0.3 tons per day; would help alleviate shortfalls in other ozone control measures contained in the 1982 Air Quality Plan, which would further the District's progress toward attaining the ozone standard set by the Clean Air Act; in addition to reducing benzene emissions by 25 pounds per day.

Mr. Feldstein stated in response to the Board's questions, another workshop was held and all affected individuals were invited; that 109 stations would no longer be exempt; that staff had estimated 11 stations were located in rural areas (Marin - 1), (Napa - 6), (Santa Clara - 1), (Sonoma - 1), (San Mateo - 2); that the estimated \$7,000 expenditure to retrofit a two-tank/two-dispenser, one island vapor-balance system was accurate and cost-effective, compared to all other hydrocarbon control measures the Board had adopted; and that staff was recommending the Board adopt the proposed amendment.

Mr. Feldstein stated staff was presenting two alternatives for discussion and possible consideration at a future hearing: Option No. 1: adopt the original rule as proposed, but set the compliance date for September 1990; and Option No. 2: exempt facilities pumping less than 60,000 gallons per year, with the compliance date of September 1987; explaining that Option No. 2 would reduce the number of affected operations to 26, which were all basically in urban areas, except for one rural station in Pope Valley (Napa County).

Mr. Feldstein stated that if the Board adopted the original staff proposal, the accompanying Regulation 2, Rule 1, Section 401 amendment relating to required permits to operate for existing gasoline dispensing facilities, would also have to be adopted in order to make the Regulation 8, Rule 7 amendment consistent with other District regulations and permit requirements; summarizing by stating the amendments proposed by staff would reduce VOC emissions by 0.3 tons per day; reduce benzene by 25 pounds per day, and continue progress toward attaining the ozone standard set by the Clean Air Act.

The Board discussed strengthening the I&M Program and the reduction it might achieve; that a three-year compliance would lower the reductions by half; the number and location of affected stations; and feasibility exemptions authorized by the APCO; and Director Davis suggested a third option might be to recommend adopting Option No. 2, with a three-year compliance date of September 1990.

Director Nicolopoulos stated intergovernmental ordinance conflicts also cause problems for small stations; citing examples in South San Francisco of small garages being forced to comply with city ordinances which required them to install pumps; and that the District's proposed regulation amendment might be creating more problems for small stations.

The following speakers made presentations:

Brad & Elgie Kirkpatrick  
Pope Valley Garage  
Pope Valley, California

stated they were fifth-generation owners of a small, AAA, rural service station; providing fuel for all vehicles in the Pope Valley and Lake Berryessa areas; and were the only refuel point on the direct ambulance route between St. Helena Hospital and Lake Berryessa; that the proposed \$7,000 installation fee for a two-tank vapor recovery system was a low estimate; that the station's margin of profit was very low, and a loan would have to be obtained in order to comply; and was requesting total exemption from the Regulation 8-7 proposal.

George Perkins  
Consumer  
Pope Valley, California

stated he was present to offer support for the Kirkpatricks; suggesting staff reconsider its proposal and take into consideration that stations have to provide service to the people located in rural areas.

Tom DeWitt  
DeWitt Exxon  
Sonoma, California

stated he sells 27,000-30,000 gallons per year; that it would be cost-ineffective if forced to get vapor recovery; that he would have to obtain a loan; that if he had to close, he would have to bear the expense of removing tanks; and that smaller stations would be impacted the hardest if the Board adopted the staff-proposed regulation amendment.

Amy Dunn  
Citizens for a Better Environment  
San Francisco, California

stated CBE was not necessarily in opposition of the measure, but questioned why vapor recovery requirements were not placed on marine loading facilities rather than small service stations; that there were approximately five times the VOC emissions from marine loading facilities as would be controlled by the measure.

In response to Director Wilson's question as to whether marine loading facilities were being considered, Mr. Feldstein stated staff was currently working with the Coast Guard, who needs to approve retrofitting ships, but that it would be a long process.



Mike Webb  
Webb & Webb Unocal  
Napa, California

stated Attachment A of the APCO's report contained facilities that would ultimately be exempted for one reason or another; that large corporations could handle the requirements because they had staff resources and finances.

Pete Marengo  
Exxon Station  
Vallejo, California

stated he operated a small service station, and pumped 8,000-9,000 gallons per month; that with new restrictions, plus inspection requirements of the city and state, the cost for him to install vapor recovery equipment would exceed \$7,000.

Jim Dalton  
Royal Petroleum  
Petaluma, California

stated he would like to keep the status quo; suggesting the Board consider staff's proposed Option No. 2 in order to allow owners time to put money away.

Bill Bresciani  
Exxon Jobber  
Napa, California

stated everyone was concerned about clean air; but that he was bothered about who was going to be affected, and who would pay for it; that if little stations were closed down, the tanks would have to be removed at additional costs; stating he was in support of the proposed Option No. 2.

Director Aramburu moved the public hearing be closed at 10:44 A.M.; seconded by Director Rudee; carried.

There was discussion regarding the various exemptions available; and how many of the affected 109 stations would qualify for such exemptions; the need to investigate other areas such as the I&M Program and marine loading facilities to make up the shortfall; the validity of adopting such measures that would reduce VOC emissions by only 0.3 tons per day; the adoption of Option No. 2, but changing the compliance date to September 1990, to allow the Board an opportunity to review the results of the I&M Program; and the need to establish regulations for entities over which the District had authority.

Director Moskowitz moved that the Board not adopt the amended rule as proposed, but to research other means to reduce VOC emissions; and that at the end of three years, review the progress with the ozone attainment standards; seconded by Director Davis; and upon roll call, the motion FAILED:



AYES: Davis, Gonzalez, Moskowitz, Nicolopoulos, Rudee.

NOES: Aramburu, Britt, E. Campbell, S. Campbell, Cooper  
Doetsch, Eshoo, Hughan, Ogawa, Wilson.

ABSENT: Diridon, McPeak, Perata.

After more discussion regarding the two proposed options, Director Aramburu moved that the Board adopt Option No. 2, the 60,000 gallons per year exemption, with three years for compliance; and that the matter of imposed exemptions on facilities in remote locations engendering more environmental problems than they would cure, be explored by staff and brought back to the Board in two weeks; seconded by Director Cooper. Director Davis questioned whether the environmental detriment clause would include economic feasibility as well, to which Director Aramburu stated he would include economic feasibility as an understood consideration, but would not make it a part of his motion.

During the discussion of Director Aramburu's motion, Director Doetsch suggested making the compliance date two years, to which Director Eshoo stated the Board should not miss this opportunity to make an incremental impact on attaining the ozone standard; and Director Gonzalez questioned whether there was any type of State program that assisted small station owners if they have to retrofit, especially since gas stations were an essential service in rural areas. Mr. Feldstein replied he was not aware of any such program.

During the discussion regarding exemptions, Director Wilson questioned who would determine eligibility for an exemption, and Director Cooper requested staff provide information outlining exactly what types of exemptions were offered. Chairperson Ogawa so ordered.

Chairperson Ogawa called for the vote on the motion by Director Aramburu; and upon roll call, the motion carried:

AYES: Aramburu, Britt, E. Campbell, S. Campbell, Cooper,  
Davis, Doetsch, Eshoo, Gonzalez, Hughan, Moskowitz,  
Nicolopoulos, Ogawa, Rudee, Wilson.

NOES: None.

ABSENT: Diridon, McPeak, Perata.

Director Rudee requested Chairperson Ogawa send letters to all legislators from the nine Bay Area counties that would explain the Board's efforts to control emissions; and stress the importance of the legislators considering further I&M legislation. Mr. Feldstein stated that, within the next two months, staff would present the I&M Committee report to the Board, and that if, after review of the report, the Board felt improvements were necessary, staff would prepare letters to the legislators as requested by Director Rudee.



AIR POLLUTION TOPIC - ENFORCEMENT INSPECTION PROGRAM

Noting the lateness of the hour, Chairperson Ogawa directed this item be put over to a future meeting.

REPORT OF AIR POLLUTION CONTROL OFFICER  
Milton Feldstein

There was none.

CHAIRPERSON'S REPORT  
Frank H. Ogawa

There was none.

BOARD MEMBERS' COMMENTS

There were none.

TIME AND PLACE OF NEXT MEETING

9:30 A.M., Wednesday, March 4, 1987, 939 Ellis Street, San Francisco, California, 94109.

The meeting was adjourned at 11:33 A.M.

Respectfully submitted,

Carol Bradley  
Clerk of the Boards





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